

**Chapter 14.28****MANDATORY USE OF RECYCLED WATER****Sections:**

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**Section 14.28.010 Findings.**

The people of the State of California have a primary interest in the development of facilities to recycle water containing waste to supplement existing surface and underground water supplies and to assist in meeting the future water requirements of the State (California Water Code, Section 13510). This policy is in the best interest of the City. This ordinance is necessary to protect the common water supply of the region which is vital to public health and safety, and to prevent endangerment of public and private property. The City is highly dependent on limited groundwater for domestic, agricultural and industrial uses. The reliability of the supply of imported water is uncertain. By developing and utilizing recycled water, the need for additional imported water can be reduced. In light of these circumstances, certain uses of potable water may be considered unreasonable where recycled water is available. Recycled water should be more readily available in seasons of drought when the supply of potable water for nonessential uses may be uncertain. (Ord. 7002 § 2, 2008)

**Section 14.28.020 Water Recycling Policy.**

It is the policy of the City that recycled water determined to be available pursuant to Section 13550 of the California Water Code shall be used for nonpotable uses within the designated Recycled Water Use Areas, as set forth within this Chapter wherever there is not an alternative higher or better use for the recycled water, its use is economically justified, financially and technically feasible, and consistent with legal requirements, preservation of public health, safety and welfare, and the environment. (Ord. 7002 § 2, 2008)

**Section 14.28.030 Definitions.**

The words used in this chapter shall have the meanings as set forth below:

A. "Agricultural purposes" includes the growing of field and nursery crops, row crops, trees, and vines and the feeding of fowl and livestock.

B. "Artificial lake" means a human-made lake, pond, lagoon, or other body of water that is used wholly or partly for landscape, scenic or noncontact recreational purposes.

C. "Commercial office building" means any building for office or commercial uses with water requirements which include, but are not limited to, landscape irrigation, toilets, urinals and/or decorative fountains.

D. "Recycled water distribution system" means a piping system intended for the delivery of recycled water only and which is separate from any potable water distribution system.

E. "Greenbelt areas" includes, but is not limited to, golf courses, cemeteries, parks and landscaping.

F. "Industrial process water" means water used by any industrial facility with process water requirements which include, but are not limited to, rinsing, washing, cooling and circulation, or construction, including any facility regulated by the requirements of Chapter 14.12.

G. "Off-site facilities" means water facilities from the source of supply to the point of connection with the on-site facilities, including the water meter.

H. "On-Site Facilities" means water facilities under the control of the owner, downstream from but not including the water meter.

I. "Potable Water" means water which conforms to the federal, state, and local standards for human consumption.

J. "Recycled water" means water which, as a result of treatment of wastewater, is suitable for a direct beneficial use or a controlled use that would not otherwise occur, as defined by California Water Code Section 13050(n).

K. "Master Plan" shall mean the Water Recycling Master Plan referenced in this Chapter. (Ord. 7002 § 2, 2008)

#### **Section 14.28.040 Water Recycling Master Plan.**

A. General.

Upon adoption of this ordinance, the City's Public Utilities Department shall prepare and adopt a Water Recycling Master Plan to define, encourage, and develop the use of recycled water within its boundaries. The Master Plan shall be updated not less often than every five years.

B. Contents of Master Plan. The Master Plan shall include, but not be limited to, the following:

1. Plants and Facilities.

Evaluation of the location and size of present and future reclamation treatment plants, distribution pipelines, pump stations, reservoirs, and other facilities related to recycled water, including cost estimates and potential financing methods.

2. Recycled Water Service Areas.

A. Designation, based on the criteria set forth in Section 14.24.020 and the information derived from Section 14.24.040(B)(1) and this section, of the areas within the boundaries of City that can or may in the future use recycled water in lieu of potable water. Recycled water uses may include, but are not limited to, the irrigation of greenbelt and agricultural areas, filling of artificial lakes, and appropriate industrial and commercial uses.

3. Mandatory Recycled Water Use.

For each recycled water service area:

a. An evaluation of whether greenbelt irrigation, agricultural irrigation, commercial office buildings landscape irrigation, the filling of artificial lakes, or industrial processes shall be limited to the use of recycled water.

b. As appropriate, a review of whether to mandate construction of recycled water distribution systems or other facilities in new and existing developments for current or future recycled water use as a condition of any development approval or continued water service if future water recycling facilities are proposed in the Master Plan that could adequately serve the development, in accordance with the procedures described in Section 12.24.050.

c. The identification of resources and adoption of measures to assist water users in the financing of necessary conversions.

4. Rules and Regulations.

The establishment of general rules and regulations governing the use and distribution of recycled water. (Ord. 7002 § 2, 2008)

**Section 14.28.050 Procedures.****A. Development and Water Service Approvals.****1. Conditions.**

Upon application by a developer, owner or water customer for a new industrial, commercial, or residential subdivisions located within the designated Recycled Water Use Areas for which a tentative map or parcel map is required pursuant to Government Code Section 66426, or for new or altered water service, the Public Utilities Department shall review the Master Plan and make a preliminary determination whether the current or proposed use of the subject property is required to be served with recycled water or should include facilities designed to accommodate the use of recycled water in the future. Based upon such determination, use of recycled water and/or provision of recycled water distribution systems or other facilities for the future use of recycled water, and application for a permit for such use may be required as a condition of approval of any such application, in addition to any other conditions of approval.

**2. Notice of Determination.**

A notice of the basis for the preliminary determination, proposed conditions of approval and schedule for compliance shall be provided to the applicant prior to approval of the development application.

**3. Requested Service.**

On a case by case basis, upon application for a permit to use recycled water on a property not covered by Sections 14.24.050(B)(1) and (2), above, the Public Utilities Department shall review the Master Plan and make a determination whether the subject property shall be served with recycled water. Based upon such determination, the application for the permit shall be accepted and processed subject to Section 14.24.050(C).

**B. Recycled Water Permit Process.**

Upon a final determination by the Public Utilities Department that a property shall be served with recycled water, or adoption of a condition of development approval requiring use or accommodation of the use of recycled water, the water customer, owner or applicant shall obtain a recycled water permit.

**1. Permit Conditions.**

The permit shall specify the design and operational requirements for the applicant's water distribution facilities and schedule for compliance, based on the rules and regulations adopted pursuant to Section 14.24.040, and shall require compliance with both the California Department of Health Services Wastewater Recycling Criteria (see California Code of Administrative Regulations, Title 22), requirements of the Regional Water Quality Control Board and the Public Utilities Department Water Rules.

**2. Plan Approval.**

Plans for the recycled and non-recycled water distribution systems for the parcel shall be reviewed by the Public Utilities Department and a field inspection conducted before the permit is granted.

**3. Permit Issuance.**

Upon approval of plans the permit shall be issued. Recycled water shall not be supplied to a property until inspection and determination by the Public Utilities Department that the applicant is in compliance with the permit conditions. Recycled water service shall not commence within the designated Recycled Water Use Area in any service area of a private utility, as defined in Section 1502 of the Public Utilities Code, or to any service area of another public agency retail water supplier, except in accordance with a written agreement between the recycled water producer and the private utility or public agency retail water supplier.

**C. Temporary Use of Potable Water.**

At the discretion of the Public Utilities Department, and in accord with its Water Rules, potable water may be made available to the subject property on a temporary basis, until

recycled water is available. Before the applicant receives temporary potable water, a water recycling permit, as described in Section 14.24.050(C), must be obtained for new on-site distribution facilities. Prior to commencement of recycled water service, an inspection of the on-site facilities will be conducted to verify that the facilities have been maintained and are in compliance with the recycled water permit and current requirements for service. Upon verification of compliance, recycled water shall be served to the parcel for the intended use. If the facilities are not in compliance, the applicant shall be notified of the corrective actions necessary and shall have at least thirty (30) days to take such actions prior to initiation of enforcement proceedings.

**D. Recycled Water Rate.**

The rate charged for recycled water shall be established by the Board of Public Utilities and approved by the City Council, in accord with Section 1202(E) of the City Charter. (Ord. 7002 § 2, 2008)

**Section 14.28.060 Sanctions.**

**A. Public Nuisance.**

Discharge of wastes or the use of recycled water in any manner in violation of this ordinance or of any permit issued hereunder is hereby declared a public nuisance and shall be corrected or abated in accord with Chapter 6.15 of this code.

**B. Injunction.**

Whenever a discharge of wastes or use of recycled water is in violation of this ordinance or otherwise causes or threatens to cause a condition of nuisance, the City may seek injunctive relief as may be appropriate to enjoin such discharge or use.

**C. Permit Revocation.**

In addition to any other statute or rule authorizing termination of water service, the City may revoke a permit issued hereunder if a violation of any provision of this ordinance is found to exist or if a discharge of wastes or use of recycled water causes or threatens to cause a nuisance.

**D. Penalty.**

Any owner and/or operator who violates this ordinance shall, for each day of violation, or portion thereof, be subject to a fine not exceeding \$1,000. In addition, water service to the property may be discontinued. (Ord. 7002 § 2, 2008)

**Section 14.28.070 Validity.**

If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance and the application of such provisions to other persons or circumstances shall not be affected thereby. (Ord. 7002 § 2, 2008)